REMARKS

The claims that are pending in this application are 1, 3-9, 11-16, and 18-24. Claims 1, 8, 9, 16, 19, 20, 21 are amended in scope to more emphatically specify the distinctions from the prior art. Applicant is submitting this Preliminary Amendment with a Request for Continued Reconsideration (RCE) and requests the Examiner to reconsider this application.

Prior versions of the claims were rejected previously under 35 U.S.C § 103 based on a collection of references: U.S. Patent 5,873,108 (Goyal); U.S. Patent 6,026,333 (Koyabu); U.S. Patent 6,101,480 (Conmy); Publication 2004/0008971 (Young); and a publication "Business Wire."

Essentially, the "Business Wire" publication was added in view of a failure by the other four references to disclose "a handheld computer" and time clock correlation regarding personal or business data. The Office Action cites the publication abstract (pp. 1, paragraphs last two and pp. 2, first paragraph) to that end. Recognizing that the "Business Wire" publication disclosure allows PDAs to sync calendar events, the disclosure is not perceived to suggest the elements of the claims as presently urged, specifically the following recitation:

> setting a default data category (which differentiates between business and personal hours) based on a clock time of day, a day of the week, and a time of day profile, wherein at least one data category is associated with a block of time corresponding to two or more days.

The specific recitations are submitted to patentably distinguish the five references urged, taken either individually or collectively. On that basis, reconsideration is requested.

In addition, the Examiner is requested to reconsider the improper combination of references, under the current law. The Supreme Court set the standard for evaluating obviousness in its recent decision (*KSR International Co. v. Teleflex Inc. et al.* (550 U.S. 127 S. Ct. 1727 (2007)) to be "expansive and flexible" and "functional." But, the standard is not controlling. Instead the various noted factors only "can" or "might" be indicative of obviousness based on the facts. The Supreme Court in *KSR* enunciated the following principles:

> "[w]hen a work is available in one field of endeavor, design incentives and other market forces can prompt variations of it, either in the same field or a

> different one. If a person of ordinary skill can implement a predictable variation, Section 103 likely bars it patentability. For the same reason, if a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill....[A] court must ask whether **the improvement is more than the predictable use of prior art elements according to their established functions**.

The Supreme Court in *KSR* also stated that:

> a patent composed of several elements is not proved obvious merely by demonstrating that **each of its elements was independently known in the prior art**.

The Supreme Court in *KSR* has also stated that:

> [o]ften, it will be necessary for a court **to look to interrelated teachings of multiple patents**; the effects of demands known to the design community or present in the market place.

Further, the Supreme Court stated in *KSR* that:

> The Court [in *United States v. Adams*, 383 U.S. 39, 51-52 (1966)] relied upon the corollary principle **that** when **the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be nonobvious**.

Favorable consideration and allowance of this application is respectfully requested. In the event outstanding issues remain, the Examiner is requested to call the undersigned to resolve them and to allow this application to pass to issue.

Respectfully submitted,

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